

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JULIA HUBBARD and KAYLA
GOEDINGHAUS,

Plaintiff(s),

vs.

TRAMMELL S. CROW, JR., DR. BENJAMIN
TODD ELLER, RICHARD HUBBARD, DR.
MELISSA MILLER, DR. JOSEPH BOLIN, DR.
SCOTT WOODS, DR. MRUGESHKUMAR
SHAH, MICHAEL CAIN, COE
JURACEK, PHILIP ECOB, H.J. COLE, TEXAS
RANGER CODY MITCHELL, KURT
KNEWITZ, PAUL PENDERGRASS, RALPH
ROGERS, ROBERT PRUITT,
SCOTT BRUNSON, CASE GROVER,
RICHARD BUTLER, MARK MOLINA,
MICHAEL HYNES, JR., SHAWN MAYER,
JADE MAYER, RCI HOSPITALITY
HOLDINGS, INC., INTEGRITY BASED
MARKETING, LLC, STORM FITNESS
NUTRITION, LLC, ULTRA COMBAT
NUTRITION, LLC, ECOLOFT HOMES LLC,
ELEVATED WELLNESS PARTNERS LLC,
DOE INDIVIDUALS 1–20, and DOE
COMPANIES 21–30

Defendant(s).

Case No.: 2:23-CV-00580-FB

**DEFENDANT BENJAMIN TODD
ELLER’S UNOPPOSED MOTION
PURSUANT TO FED. R. CIV. P. 6(b)
FOR EXTENSION OF TIME TO FILE A
RESPONSIVE PLEADING TO
PLAINTIFF’S FIRST AMENDED
COMPLAINT**

Hon. Fred Biery

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Defendant Benjamin Todd Eller (“Defendant”), by and through undersigned counsel of record, who hereby respectfully requests, pursuant to Fed. R. Civ. P. 6(b) a brief extension of time to respond to the First Amended Complaint (“FAC”) in this matter, up to and including December 18, 2023. Plaintiffs Julia Hubbard and Kayla Goedinghaus, through their counsel, do not oppose the requested extension set forth in this motion.¹ Defendant makes this request in good faith, not to interpose any unreasonable delay in this matter, and seeks additional time to evaluate its position in this matter so as to be able to meaningfully respond to the FAC. Defendant further represents that no party should be prejudiced by a Court Order granting this brief extension of time.

ACCORDINGLY, Defendant prays that this Honorable Court GRANT this Motion in its entirety, and enter an Order pursuant to Fed. R. Civ. P 6(b), and extend the time for Defendant to file a response to the Complaint by fourteen days, up to and including December 18, 2023.

DATED: December 4, 2023

CAMERON JONES LLP

/s/ Indira J. Cameron-Banks

Indira J. Cameron-Banks (appearing *pro hac vice*)

(Cal. State Bar 248634)

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Attorney for DEFENDANT

Benjamin Todd Eller

¹ Undersigned counsel met and conferred with Plaintiffs’ counsel on December 1, 2023 to seek a stipulation for the requested extension of time, and Plaintiffs’ counsel agreed to enter into such a stipulation. However, as such a request is more appropriately made by motion, pursuant to Fed. R. Civ. P. 6(b), undersigned counsel contacted Plaintiffs’ counsel earlier today (December 4, 2023) to inquire whether they would oppose the instant motion. As of the time of filing this motion, undersigned counsel has not received any response, but reasonably believes that Plaintiffs are not opposed to the substance of this motion -- a fourteen-day extension of time to respond to the FAC.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of Defendant Benjamin Todd Eller's Unopposed Motion Pursuant To Fed. R. Civ. P. 6(b) For Extension Of Time To File A Responsive Pleading To Plaintiff's First Amended Complaint P was served on counsel of record via CM/ECF on December 4, 2023.

/s/ Indira J. Cameron-Banks

Indira J. Cameron-Banks